

WOODSTOCK PLANNING AND ZONING COMMISSION

Woodstock Town Hall, Meeting Room 1

MINUTES SPECIAL Regulation Review Subcommittee Thursday, September 22nd, 2016

Before the Special meeting was called to order, note was made by Dr. Gail Dickinson that Dr. Jeffrey Gordon, PZC Commission Chairman, has been named the President of the Connecticut Medical Society. Commission members congratulated the Chair Gordon on this achievement. He will serve in this role for one year.

- I. A. The **call to order** by Sub-Committee Chair Dr. Jeffrey Gordon was at 7:36 PM
B. **Roll Call** – J. Gordon, J. Adiletta, S. Blodgett, F. Rich., D. Porter, G. Dickinson, D Frederick, D. Durst, Town Planner/ZEO D. Fey
Guest speakers: Scott Millar, Manager of Community Technical Assistance, Grow Smart RI; Lynn Weaver, Vice-President, Branch Manager of Farm Credit East and Member, Woodstock Agriculture Commission; Rick Hermonot, Vice-President, Business Consultant and Certified Appraiser, Farm Credit East; and Attorney Ed Higgins, former Chair of the Woodstock Planning and Zoning Commission.
- II. The topic of the evening's panel discussion was introduced by Chair Gordon: ideas and comments have been requested by the Commission from professionals in subdivision design and planning.

After reviewing his background, Scott Millar presented a PowerPoint slide show demonstrating the concepts in Rhode Island which have lead to the land conservation set asides in residential subdivision development. The State of RI has adopted a 10-step process in determining the identification of the areas which shall comprise the conservation land on the parcel, which is an expanded series of steps based upon the 4-step approach used by the Commission. There was discussion about the benefits of incorporating low impact development designing. There was discussion about the ability to maintain the character of a community. There was discussion about improved land and home values once a conservation style subdivision is built compared with land and home values achieved by conventional subdivision design. Mr. Millar talked about what various communities in RI have been doing, including his own hometown.

Mr. Millar mentioned that conservation subdivision design “preserves land without buying it” using municipal funds.

Mr. Millar talked about the benefits of incorporating conservation subdivision design into a mixed-use village concept.

Mr. Millar mentioned the RI Conservation Development Manual. A web link to it will be provided to the Commission.

Lynn Weaver also reviewed his background then discussed the process that takes place when a farm owner applies for financing. The impact of Woodstock's current subdivision regulations with a 50% conservation set-aside was reviewed as being detrimental to the farm owner's business needs.

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Mr. Weaver mentioned the difficulty the current limit of 1 curb cut for every 1,000 feet of frontage imposes on land value because it further limits land development.

Rick Hermonot reviewed his background, and then referred to Woodstock's POCD as excellent in offering support for our Agriculture Community. He summarized what he thought was the focus of the POCD as 1) promote agricultural economy, 2) preserve rural character, 3) promote economic development with a focus on agriculture and tourism, 4) create a balanced community with a blend of land uses and 5) there was no focus on directly limiting residential growth and referenced the housing options within the document.

Mr. Hermonot noted several aspects of the Regulations regarding subdivisions as being "detrimental" for the following reasons: 1.) 50% land set aside, 2.) one lot per 2.5 acres of gross buildable area, 3.) 1 curb cut per 1,000 feet, and 4.) encouraging use of shared driveways. The singular fact of concern is that the determination of the way a subdivision is to be designed is not based on market demand and factors, but rather on a "one model must fit all" mandate. He reviewed the financial implication of "lost capital" which is frequently how the expansion of an agricultural enterprise plays out, but also depresses the values which are used for other business loans and also for the land value assigned in the state's farmland PDR process. Mr. Hermonot also pointed out that there is a market for parcels of land above the minimum lot sizes permitted by the current Regulations, in order to have rural space or to accommodate a small number of animals such as horses. Yet developers are encouraged to minimize the expense of building a subdivision by making them as compact as the regulations permit, in order to save the costs of longer road lengths and other infrastructure costs.

Mr. Weaver and Mr. Hermonot commented that the value of the raw land used by the agricultural community to float loans to maintain and grow their businesses is limited by the loss of land by the Regulations. The 50% set aside means that 50% of the gross buildable area is not allowed to be developed, so land appraisers, take that into consideration in determining a fair market value of the land. This means it is less of a financial resource for the farmer, since their land is their main equity asset and the collateral they use to get financial assistance. Mr. Hermonot explained that in his experience the value of houses in towns like Woodstock are not higher due to conservation subdivision developments, that is more common in areas of greater population but also depends on other factors such as the market, etc. and that the lots created by these regulations are not in high demand among the buyers looking to move to a town like Woodstock. There are so many limitations that he finds them confounding, especially the should vs. shall sections of the regulations which are difficult to prepare for as an appraiser when determining property value. He feels there are marketability issues as well as equitability issues as in an uncompensated taking of land value. He further explained the equitable differential in that the owners of existing homes in town would benefit from these regulations (depending on the market) as the supply of existing houses is limited but the owners of raw land would suffer due to the effect of the regulations to depress the value of raw land and discourage new development. This also discourages people from putting land in the PDR program.

Attorney Ed Higgins reviewed his background. He noted that he frequently works with local individuals who need to make property decisions, recalling that in the past, Woodstock offered more

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than one option in how subdivisions were designed, he felt this was the biggest negative. This met the needs of a greater percentage of our residents. He noted a particular subdivision in Woodstock (Deer Meadow), which was built using a different model than the current conservation subdivision design, and has become a well-functioning neighborhood with a useful common green area. Other examples were given such as with Pomfret approaching land preservation differently than Woodstock by directly purchasing more parcels of land for conservation than by having Regulations that set aside a person's land when they wish to develop it and not being compensated for it.

Attorney Higgins commented further that given demographic trends show that the number of school students is decreasing, the number of families who desire the subdivision model currently available is also likely decreasing.

Comments and questions were entertained. It was noted that a number of members of the public were present.

Chair Gordon referred to the 1920s and Herbert Hoover's effort as Commerce Secretary to promote state enabling legislation for land use regulations, and the continuous interests of a community to regulate land use and of an individual land /property owner to use his or her own land. A balance is strived to be reached. On one hand, conserving land is of value and helps protect natural resources, including water resources. On the other hand, it is a degree of government land taking without compensation when regulations mandate that part of a parcel of land be preserved if it is to be developed for a subdivision.

Chair Gordon asked about having more than one subdivision design option available, using a baseline design plan with a certain degree of conservation land set aside and allowing for more conservation set aside if a developer wishes to do that and get certain extra incentives, such as additional lot density bonuses, in return. Many communities in parts of the country use such options. This allows different building options based upon what the market at any time is supporting (allow for affordable homes that are small and for larger homes or properties, if these are what some people want or can afford to purchase), and allows for flexibility in smart options for developing different parcels of land given unique and differing features of various land parcels, as opposed to trying to make 'a one size fits all' approach work for everyone, everywhere in town. Chair Gordon asked D. Porter of his own experiences. D. Porter spoke about the benefits of having more than one option.

S. Blodgett asked about various subdivision design options in Rhode Island, to which Mr. Millar responded that 2 developers have taken advantage of the optional conventional subdivision, which is offered by about 50% of Rhode Island communities, such as North Kingston and Exeter. Copies of those towns Regulations can be obtained for review. Mr. Millar and Mr. Hermonot noted that in RI, where there is more than one option, the choice is a market-driven one, the regulation does not depress the value of raw land. A mandate depresses the value. The market is down today but it can change. F. Rich brought up the difficulty a 1,000-foot curb cut can impose. R. Hermonot agreed. S. Millar and R. Hermonot mentioned that they are not aware of other towns having such a curb cut limit.

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Planner Fey asked about on-site septic or sewer systems for the Rhode Island developments examples given that had 0.52 acres and pointed out that currently Woodstock's regulations require the lots be designed for 4 bedroom houses. S. Millar mentioned that could try to guide lot placements to where better draining soils are located but that the 0.52 acre lots could be for 4 bedroom houses on individual septic systems. R. Hermonot and F. Rich mentioned that such could be a challenge in parts of Woodstock due to the soil types. D. Fey stated that RI allows for different types of septic systems than are allowed in CT and they have different soil types as well.

Attorney Higgins noted a demand for condominiums as a popular method to manage housing density, citing Cornfield Point.

R. Hermonot mentioned that the Agrihood concept uses a lower level intensity of farming than does a stand-alone farm, and is better conducive to being used to preserve working farmland in or abutting a subdivision. Mr. Hermonot also explained that a new owner of an existing farm will very likely follow a different model of farming, almost always with a smaller farm, not usually intensive agriculture with livestock. This new farmer often faces encroachment from new residents in the nearby subdivision lots.

J. Adiletta stated that PDR seems to be an attractive option as people are still choosing it. R. Hermonot stated that it is continuing to be used as a means to save farmland but it is not being funded at the same level as it has been in the past. A comparison was made where the development rights were sold on a farm in Thompson for \$6,000/acre compared to one in Woodstock that sold for \$2,000/acre.

The topic of Transfer of Development Rights was discussed. D. Fey confirmed with S. Millar that the receiving area had to be in a zone of greater density than the zone the sending lot is in, however the challenge in Woodstock is that there is no zone with greater density allowed than any other part of town. J. Gordon reminds about another challenge to doing this in Woodstock as there is no public water and has very limited sewers.

S. Millar mentioned that in RI, there are 4 options for who owns open space/set aside land: 1.) original landowner, 2.) homeowners association, 3.) municipality, and 4.) conservation group or a land trust.

Chair Gordon mentioned that the Great Recession and the current slow recovery does limit our ability to know how well Woodstock's current Regulations have worked, he asks D. Porter his opinion on how well the regulations have worked. D. Porter gives some examples: his subdivision at the Beeches did well but it was built in a strong market however his subdivision at Aplin Hill – the lots are just sitting there; Jeans Court (not his subdivision) – this was approved when 2 options were allowed and those lots are selling better. He feels it is better to have options in subdivision design.

A member of the audience, Christopher Chesanik, brought up the difficulty that can arise when a farm family needs to split the land among siblings, even in light of the Family Transfer state statutory

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provisions especially when not dividing for the purposes of development in the near future. Mr. Millar noted that in Rhode Island, a provision is in place that leaves the balance of the farm land intact while addressing farm family situations. This has been named a Rural Residential Compound. Discussion ensues as to the challenges related to this including that there are often more than one owner and they don't all agree with what should be done with the land or not all of them want to receive land, some want to sell and get their share in money –this would not work for a family transfer.

Reva Seybolt, Chair, Woodstock Agriculture Commission, noted that some communities, such as Dover, MA, have created unworkable provisions in subdivision development and Woodstock needs to be careful about such.

D. Frederick left at 9:26 PM, which was soon before the motion to adjourn was voted upon.

Invited guests and members of the public were thanked for their coming to tonight's meeting and for participating in it.

III. Adjournment: 9:30 PM. (F. Rich/G. Dickinson). Motion passed unanimously.

Submitted by Dr. Jeffrey Gordon, Regulation Review Subcommittee Chair

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